

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:15CR28DCB-LRA

MARVIN R. BROWN, ET AL.

**ORDER GRANTING GOVERNMENT’S MOTION [156] TO DISMISS
AND DISMISSING CLAIM OF DEVONNA S. GILMER [137 AND 150]**

This matter came before the Court on the Petition [137 and 150] filed on July 7, 2016, and July 22, 2016, respectively, by DeVonna Simone Gilmer (“Petitioner”), and on the Government’s Motion [156] to Dismiss Petitioner’s Claim. As reflected by the Court record, both the Government and the Court’s deputy clerk sent notice of the hearing via regular first class mail to the Petitioner. The Government additionally sent notice of the hearing by certified mail. The Petitioner failed to attend the hearing, and the Court proceeded with the ancillary hearing in her absence on August 16, 2016. Pursuant to 21 U.S.C. § 853(n), the Court carefully considered the arguments of counsel, the exhibits and pleadings on file, the testimony of former IRS agent Jerry Porter, and relevant legal authority. For the reasons stated on the record at the conclusion of the hearing on August 16, 2016, the Court finds that the Government’s Motion [156] to Dismiss should be granted and Petitioner’s claim [137 and 150] regarding the property located at 11971 Highway 15 South, Union, Neshoba County, Mississippi, and the 2008 Champion 64x32 Mobile Home thereon, should be dismissed.

IT IS THEREFORE, ORDERED AND ADJUDGED that for the reasons stated on the record at the conclusion of the hearing held on August 16, 2016, the Government’s Motion [156] to Dismiss is **GRANTED**, and the third-party claim of Petitioner DeVonna Simone Gilmer [137 and 150] is **DISMISSED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Government shall submit a Motion for Final Order of Forfeiture within 10 calendar days.

SO ORDERED AND ADJUDGED this 22nd day of August, 2016.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE